

ZB# 98-29

**Henry VanLeeuwen /
Jerald Fieldelholtz**

55-1-92.2

Frederick.

July 13, 1998.

7/15/98 i.
Notice to Seniors
copy of Dec 2

Public Hearing:

August 10, 1998.

Approved:

Area Vancance

Refund ^B - 158.00

#98-29 Vanheeuwen / Fiedelholz
55-1-92 Area.

RECEIPT 065432

DATE July 22, 1998

NAME Henry Van Housen

AMOUNT Fifty 00/100 --- \$50.00

FOR ZBA #98.89

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	14.75
AMOUNT PAID		CHECK	50.00
BALANCE DUE		MORE DUE	

town club

Dorothy N Hansen

562-0532

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Jan Heuvel

FILE# 98-29

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid ck #1479
7/21/98*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid ck #1480
7/21/98*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/13/98 - 3 \$ 13.50

2ND PRELIMINARY- PER PAGE 8/10/98 - 13 \$ 58.50

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE \$ _____

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 72.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 7/13/98 \$ 35.00

2ND PRELIM. 8/10/98 \$ 35.00

3RD PRELIM. \$ _____

PUBLIC HEARING. \$ _____

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____

TOTAL \$ 142.00

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT . \$ 158.00

Date 8/19....., 1998..

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

to Henry Van Leeuwen..... DR.

Beattie Road, Rock Tavern, N.Y. 12575

Charge: ZBA

[illegible]



HENRY VANLEEUVEN
BUILDER & DEVELOPER
BEATTIE RD.
ROCK TAVERN, NY 12575

1479

50-1241/219

DATE 7/21/98

PAY
TO THE
ORDER OF

Sam of Zen Winder
Three Dollars & 00/100

\$ 50.00

DOLLARS



Ellenville
National Bank
CHESTER OFFICE
P.O. BOX 616, CHESTER, N.Y. 10916

FOR

[Signature]

⑈001479⑈ ⑆021912410⑆ 06 215⑈775⑈



HENRY VANLEEUVEN
BUILDER & DEVELOPER
BEATTIE RD.
ROCK TAVERN, NY 12575

1480

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P.O. BOX 616, CHESTER, N.Y. 10916

FOR

[Signature]

⑈001480⑈ ⑆021912410⑆ 06 215⑈775⑈

In the Matter of the Application of

**HENRY P. VAN LEEUWEN/
JERALD FIEDELHOLTZ**

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#98-29.

WHEREAS, HENRY P. VAN LEEUWEN and JERALD FIEDELHOLTZ , % 270 Quassaick Avenue, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 9 ft. lot width variance on Lot #2 to construct a single-family dwelling on northwest side of Beattie Road in an R-1 zone; and

WHEREAS, a public hearing was held on the 10th day of August, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared by Joseph Pfau, P. E. on behalf of this application; and

WHEREAS, there were a number of spectators appearing at the public hearing; and

WHEREAS, five persons spoke on various subjects including a concern for water drainage, traffic, and if the ZBA granted this variance, would they be setting a precedent.

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a lot located in a neighborhood containing one-family homes in an R-1 zone.

(b) The applicant proposes to subdivide the existing lot into two separate lots, each containing a one-family home and seeks a lot width variance for one of the lots.

(c) If lot width was measured according to the prior Town Zoning Code, it would be acceptable. Due to a change in the Code measuring the lot width at the boundary of the lot facing its road access as opposed to anywhere on the lot, the proposed lot is 9 ft. too small when measured against the Town Code requirement of 125 ft.

(d) The property's previous owners had applied for and obtained site plan approval to subdivide this property into a number of lots and the installation of a road down the side of one of the properties with a potential of extending the road further down hill.

(e) If the applied-for variance is allowed, the owner will install drainage improvements as required by the New Windsor Planning Board so that the water from the property does not add to water drainage difficulties experienced by the owners of neighboring properties.

(f) The applicant acknowledges that if the requested variance is granted, approval still must be obtained from the New Windsor Planning Board and its reasonable directions will be followed with respect to the location of driveways or access to the property as well as with the question of water drainage.

(g) The proposed lots meet all other requirements of the Town of New Windsor Zoning Code including those for lot area size.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the applicant that can produce the benefits sought.

3. The variance requested is not substantial in relation to the Town regulations.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and

welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

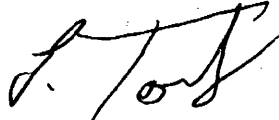
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 9 ft. lot width variance on Lot #2 to construct a single-family dwelling on the northwest side of Beattie Road in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 28, 1998.



Chairman

Date 8/11/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/11/98	Town Board Mtg		75.00	
	Misc - 3			
	N.W. Partners - 4			
	Kroll / Jasal - 8			
	Kline - Insul Sush - 5			
	Vankeuren - 13	58.50.		
	Mashhil, Inc - 10			
	Petrol mid Valley Oil - 4			
	Henault - 3			
	Domingues - 3		238.50	
	53			
			313.50	

PUBLIC HEARINGS:

VANLEEUEWEN/FIEDELHOLTZ

MR. NUGENT: Anyone in the audience with regards to this? Please sign this paper.

Mr. Joseph Pfau appeared before the board for this proposal.

MR. NUGENT: Request for 9 ft. lot width variance on Lot 2 to construct single family dwelling on northwest side of Beattie Road in an R-1 zone.

MR. PFAU: My name is Joe Pfau. Mr. Van Leeuwen and Mr. Fiedelholtz is with me tonight. The proposal in front of the board tonight is a proposed 2 lot residential subdivision on the northwest side of Beattie Road. The property is directly across the street of a road called Martha's Way and it's just southwest about five to six hundred feet of Ann Elizabeth Drive. The project located in the R-1 zoning district, it's a 5 acre lot, we're proposing to create 2, 2 1/2 acre lots. We fall short on lot number 2 of the minimum lot width by 9 feet, which is the lot with 125 feet. We meet all other requirements of the bulk requirements in that zone. I can say that the reason that we don't meet the minimum lot width on that lot is since the zoning code has been changed, the original definition of lot width was a measurement at the front yard setback or the building line, if the building line was taken into account, we'd meet that requirement on lot 2, if the house was set back sufficiently. It's since been changed so that the building setback line, I'm sorry, the minimum lot width is measured at the minimum setback line which is 45 feet in the R-1 zone. We're going to be proposing once we proceed to provide individual wells and septic for both of these lots and both lots will access Beattie Road. We have been to the planning board and they at that time had seen no major concerns at in a planning sense, we have gone out and done some preliminary perc tests throughout the property, we found some areas, we'll finalize that once we do the topo and the remainder of the checklist for the planning process and that is the proposal in front

of you.

MR. TORLEY: This plan supplants the previously approved plan, different set of owners that I recall was going to put a road down one of the side properties and two or three houses down with the potential of extending the road further down the hill?

MR. VAN LEEUWEN: Yes, but we had to foreclose on them.

MR. TORLEY: This is replacing that road going down the hill and multiple houses?

MR. VAN LEEUWEN: Correct, no road going down the hill, 30 feet right-of-way.

MR. KRIEGER: Talking two instead of three or four?

MR. VAN LEEUWEN: Two houses facing Beattie Road, that's all.

MR. TORLEY: Obviously near the top because you couldn't run a driveway all the way back.

MR. VAN LEEUWEN: No.

MR. KRIEGER: How much does the lot width exceed the requirement for lot number one?

MR. PFAU: It's right on 125 from it, what happens is that the overall parcel width evens out as it goes further back from Beattie Road.

MR. KRIEGER: What's on the ground now?

MR. PFAU: It's vacant property.

MR. KRIEGER: Trees or?

MR. PFAU: Yes, it's heavily wooded property.

MR. TORLEY: There is trailer and construction equipment.

MR. VAN LEEUWEN: I took it all out of there, he gave

it back to us, we spent a couple days moving the stuff out of there.

MR. TORLEY: Junk yard in the back there.

MR. KRIEGER: It's all one family homes in the neighborhood?

MR. PFAU: That's correct, single family.

MR. TORLEY: I ask when we get to the public hearing you might want to hold that up so the audience can see that.

MR. PFAU: Certainly.

MR. NUGENT: Are there any further questions? I'd like to open it up now for the public, please try to be brief and not repetitious.

MS. BARNHART: I'm sorry, Mr. Chairman, I just want to interrupt for a second, I have an affidavit of service stating that I sent out 18 addressed envelopes containing the public hearing notice on July 22, which is timely notice.

MR. NUGENT: What I ask also suggest you let the audience see that drawing so that they can understand what you're trying to tell them.

MR. KRIEGER: How many persons signed up on the list?

MS. BARNHART: Six, I'm sorry, there's seven.

MR. TORLEY: It's everybody who lives around there, they are my neighbors, that is everybody that lives around that property.

MR. TORLEY: Right now there was an approved plan not by these owners that was going to run a road right next to your property, put a cul-de-sac and go all the way down, this replaces that.

MR. MICHAEL SCHIRALDI: My name is Mike Schiraldi, I have a parcel of property right alongside of this and I

have two concerns. One is in the center of this piece of property like right where it shows the two houses going to be split, there's a culvert coming under the town road and there's an excess amount of water, some of it from the road, some of it from the construction across the street and we have been getting all of this water. Basically, I had to put a moat around my property to keep the water from infiltrating my back yard. My concern is that where is the water going to go, is the water going to be directed between these two parcels away from everybody else's property?

MR. NUGENT: Can you answer that?

MR. PFAU: I will say that we have only had one meeting with the planning board. They have directed us directly here before we have gone about to do the detail design, it has been brought up by the town engineer about that culvert and he's absolutely required us, it makes sense for the homes if they do get built, I envision that there's going to be an easement going down the center of the lot and then diverting the water at the low point southwest, okay. The property right now when you walk out there and it's affecting Mr. Van Leeuwen's property probably more so than your property, it has not been detailed, if that's been a comment that's come up.

MR. SCHIRALDI: Second question I had was on the, it's like on the outside of the turn where that piece of property sits, there have been numerous accidents there, is the town taking into consideration two driveways coming out onto that turn?

MR. PFAU: I believe what they are going to make us do is create not a dual driveway, but have the entrance to the driveways come out as close as possible, so it will be in--to answer to your question, it has not been finalized.

MR. NUGENT: I would just like to say one thing basically what they are here for is that 9 foot on that setback, they have to go from here they have to go back to the planning board for all their final layouts, we're really what you're asking us now is really out of

our realm.

MR. VAN LEEUWEN: Jim, let me say something. That water problem will be addressed and I suggested to our engineer already that we combine the two driveways maybe two driveways come as close together as possible.

MR. KRIEGER: Basically, in answer to your question, yes, it will be considered, not in detail by this board, but by the planning board and the applicant, even if they are successful here tonight has to still go through the planning board process. So the questions that you raise this isn't the last time they'll hear them.

MR. TORLEY: Both Hank and Jerry are very aware of the traffic through there.

MR. VAN LEEUWEN: We tried to address it once before because somebody else after we sold it somebody went in with a dozer and moved that water again because I had a backhoe go in there and dig a ditch so the water went straight down and to the right almost behind your property.

MRS. SCHIRALDI: I had two feet of water sitting in front of my leach field for years. I never complained knowing that this was going to happen, this piece of property has a severe water problem and you can go down and you'll see torrential rain all the way down and usually saturated.

MS. HERMANN: Marilyn Hermann. I'm in the process of constructing my home below Debbie and Mike's property. I have had to pay additional \$2,500 to Schoonmaker to put in culverts and drainage pipes to absorb the flow coming down the hill. In addition, I had to construct another swale on the other side of the leach field to catch the flow coming down from a terra cotta pipe coming from Beattie Road so I have the same concerns with water problems.

MR. VAN LEEUWEN: You've got to understand one thing, it became worse when Martha's Way went in, okay, that is not my doing and we took this back a year ago.

MS. HERMANN: Putting two homes that close together with that topo and water flow and water tables is only going to exacerbate the situation we already have.

MR. PFAU: I don't believe so because when you go through the planning process, the town engineer will review the drainage on the parcel on all the projects and he will scrutinize this. Right now, the property is vacant and nothing, and if it stays vacant, nothing will happen to the property. If we go for subdivision approval, we go to workshops and planning board meetings, the town engineer will review drainage, report on our analysis of some sort and, you know, so I believe that once we go through the planning process, there will be a solution to the problem.

MS. HERMANN: I'm curious, you say you had done perc tests, how--

MR. PFAU: We sent people out there today to do perc tests and that came from the zoning board wanting to see some type of test. We did random testing, we'll do final tests once we do the topo, we'll do deep test pits, this was a test just to show there were areas for septic systems and as I said, once the topo has been completed, those tests will be finalized as part of the planning process.

MR. VAN LEEUWEN: There were three percs test done before for three lots and they passed, no problem.

MS. HERMANN: Was this before or after the culvert was moved to create the drainage problem?

MR. VAN LEEUWEN: There was no culvert moved as far as I know, it wasn't moved.

MRS. SCHIRALDI: Water was directed towards our property than it had originally intended because we actually looked at this lot and decided not to buy it with the pipe right there years ago, but I don't know if this has any bearing. I want to know about the continuity of the development. We have all large parcels of land and this takes away from it, we have

agricultural in my own yard and I'm concerned about extra houses. I have a horse and stable and I'm zoned for that and I have concerns about extra neighbors moving in and disrupting the continuity of our area.

MR. TORLEY: The zone for R-1 is one acre minimum, it happens that your lots are larger because they are built on a private road, those cannot be subdivided on a private road, but on the public road, it's one acre of right.

MS. HERMANN: With 125 foot frontage?

MR. TORLEY: The way it was set up the lots met but they changed the line from where you measure the 125 foot, the codes were trying to avoid flag lots which are a real pain. And they have been essentially prohibited.

MR. RICHARD DI PAOLA: Rich DiPaola, I live across from everybody here. The question I have is if we let the property go down to 114 foot will set a precedent that you can come in get a variance if you do apply for this variance and we can bring the house property down to 114 foot now if we just make that exception for one of our neighbors and another builder comes into the neighborhood and says, you know what, I want to build on 114 foot lot, I want to put build on 120 foot lot, I need a variance and for some reason we tell this person no, we tell Hank and Jerry yes, now they are cleared for 9 foot, how come I can't be cleared for five foot. What legal ramifications do these people have against our town which in essence is going to cost us money if there's a legal problem.

MR. TORLEY: Essentially.

MR. NUGENT: Everybody is based on an individual basis. We're setting no precedence here.

MR. DI PAOLA: If I wanted to build, I can say then I couldn't cite that, it's not into the records where we can cite we gave somebody else a 9 foot variance?

MR. TORLEY: It's irrelevant.

MR. KRIEGER: In the eyes of the law, each zoning variance that is granted or denied stands on its own. It's not considered precedence and the reason for that is very simple in the eyes of the law every parcel of real property is unique, nothing is like it, it stands on its own. So even if a builder were, hypothetical builder were to come in and seek an identical variance with identical dimensions because the property is different, this would not be considered a precedence for this.

MR. DI PAOLA: My only concern I'm not concerned about people coming to the neighborhood because I came to the neighborhood. I'm not concerned about an overwhelming amount of people, I'm not concerned about sewers because we don't have sewers. Unfortunately, I have a water problem that comes from everybody. I deal with it the best I can do but my main concern is that we bought these houses 125 foot whatever the case is and now we're going to say well, let's give him the 114 foot minimum or whatever is necessary to put it in and I understand what you're saying each house is on a different obviously lot size, different size, our concern I think as a group is that you say that we're not going to set a precedence but I know if I was a builder and I had a similar problem on a similar lot, I would look up to see if any variances in that neighborhood were done on the same basis and then now forget about the precedent now he gets to do that variance.

MR. KANE: No, he doesn't.

MR. KRIEGER: He doesn't automatically get it. It's an argument that he may make at this level, but if you are asking the question what happens legally in terms of costing the town money, the appeal from a decision of this board goes to the Supreme Court and that is when the town has to hire counsel and spend money and at that point, the legal principal applies that I told you about. So however much this hypothetical builder may argue here you did it for the last people, why not do it for me, if he's not persuasive at this level, what I am telling you he does not have the legal basis to go

to the next level. It's tough muffins.

MR. BILL ACKER: Bill Acker. I'm adjoining property owner, my understanding in order to grant this variance he would have to show some kind of a hardship?

MR. KRIEGER: No, not only is it not still true, it never was true. Hardship was never the test nor type of variance. Hardship is the test for a use variance. If you seek to use a property in a manner that is not allowed by the zoning law here, the use is allowed, it's merely the area that they are arguing about is deficient in one fashion or another. With an area variance, the test is a balancing test between the need basically the need of the developer and the community whether or not in the eyes of the zoning board of appeals which certainly outways others, it's a balancing test as it exists now for this type of variance.

MR. ACKER: My concern again is the footage doesn't really fit in the rest of the area, rest of the area has lot sizes that average about 200 feet, some bigger, some smaller. Cut that down to that size doesn't fit in with the character of the neighborhood, that is one of our concerns.

MR. VAN LEEUWEN: Would you prefer us to put a private road and three lots? We're trying to do the best thing for the town to make it a beautiful property to get rid of the property to move the property we're trying to do the best thing, come down to two lots, we can put a private road and go for three lots maybe even four, but we just want to bail out. We had it sold, we had to take it back, we had to do a lot of work to clean it up, you know, what kind of mess trailers and cars, cleaned it out but this is the best way out for everybody.

MR. ACKER: Maybe the best way out for you because you get two building lots.

MR. VAN LEEUWEN: I can get three.

MR. ACKER: Three is fine, if you can get three, why go

for a variance and get two?

MR. TORLEY: This plan previously not by a previously approved plan that would have let them put in three or four lots on this with a private road and clip off.

MRS. SCHIRALDI: We gave another reason, the only reason we gave an easement was number one to move my driveway off of Beattie Road there because it is so dangerous, I wanted to get my driveway off Beattie Road and I knew when the town road was going there, the water problem would be addressed properly. Right now, the water problem has never been addressed properly and I had been sitting in two feet of water in my back yard for years very quietly, not complaining and I can document that I have had over a hundred truck loads of fill put into my back yard. I have had excavators come fix my back yard without a complaint to any of my neighbors and when I have complained to this gentleman nothing was done on record two times nothing was done, all right, so I'm very quiet, I mind my own business but I can foresee huge water problems coming back to me again and yes, I do have them across the street and the culvert is not big enough to handle Martha's Way, which the town let go so the town isn't doing anything for the people that are living there. So if the town can't handle the water from across the street, how do I expect the town to handle a subdivision that comes back to me again and I'm the one that has two feet of water, had the two feet of water in my back yard very quietly without a complaint and I will not do it again because I have an animal in my back yard which I refuse to jeopardize her health and safety. There's underground springs from previous farmers that used to have an agricultural farms, you have springs and underground pipe everywhere. You'll never find it because the only way I find it is by digging and it's true, ask anybody who has a lot.

MR. DIPOLA: I have water in the basement constantly. I have the people across the street from me septic leaching up into my driveway because of the runoff.

MR. TORLEY: Call the Department of Health.

MR. DIPOLA: I'm not here to stop Hank from building, I'm here just to make sure that we don't have row houses in our neighborhood next. I'm concerned about the size of the lot, if you say that that is one-time-one-shot Louise we used to say in Queens, fine, I have no problem. We have to address their issues. My issue was the size of the lot. My issue was protecting the cost of my house, the value of the house which as we all know have gone down and up with the economy and if I wiped the house off what I paid for the house today if I wiped the house off ten years ago now all I'm concerned about is the size of the lot, if nobody else is going to come in and put 20 houses on the other side of the road a 114 foot, I'm a happy man but we come back and there's another variance saying this is 112 foot, that is what my concern is. I also know here the concerns of my neighbors which are very valid concerns whether they should be brought up in front of zoning board is another story, but they do have issues they should address later on, but I'm concerned about the width of the property of which this zoning board was addressing tonight.

MR. TORLEY: I'm familiar with the area, actually, I was the first person that lived on Lincoln, and at that time, you know, there were lots that had water, you waded through parts of it before the road was in, so historically, on that slope there is water, there is springs, don't know what we can do about springs. I'm not a hydraulic engineer. But this is a least intrusive change as the evidence now states than what has been approved before, that road.

MS. HERMANN: I purchased my property in '82, I'm in the military, I just retired after 21 years of service. I just came back to build my new house and I look at Otterkill Estates, they have torn down all the woods and left a pile of trash in every direction, included on my property, and I have looked at the devastation, all that was natural, what was beautiful just cut down completely and I see row houses going up. I have even been informed that people on Beattie Road have multiple family dwellings on their property and I was absolutely astonished when I found that out.

MR. TORLEY: Would you mind telling that to the building inspector?

MS. HERMANN: Two or more families.

MR. TORLEY: Unless it's been there since before zoning.

MS. HERMANN: Does that pertain to people constructing?

MR. VAN LEEUWEN: Whose property are you referring to?

MS. HERMANN: I don't wish to embarrass anybody but it's one of the individuals cited in this letter.

MR. VAN LEEUWEN: That building is 26 years old.

MS. HERMANN: Adjacent to your home.

MR. VAN LEEUWEN: It's 26 years old, I built it myself, I know I built it in 1974, and I got a proper variance for it.

MS. HERMANN: That is why I am concerned when I see we're going to put two houses on what was originally intended for a single family residential lot with an individual who already has multiple family dwellings on his own property which is his permanent residence. I'm afraid that we're going to lose everything. My initial question was has anybody else on Beattie Road received a variance of this nature to reduce that property requirement or is this the very first?

MR. TORLEY: The last variance that came up to us was the one further up Beattie where the fellow had a classic flag lot and he was building a shack back behind there with no running water and that was thrown out.

MS. HERMANN: What's the classic flag lot?

MR. TORLEY: 25 foot on the road, goes back a couple hundred feet and spreads out but that was rejected, I don't recall there being any other variances, I could be wrong.

MS. HERMANN: So this is the first thing?

MR. TORLEY: Well, Hank's was 20 something years ago, 30 years ago.

MR. VAN LEEUWEN: 1974.

MR. NUGENT: Are there anymore questions that are relevant to this variance because we're bouncing all around here. If not, I'm going to close the public hearing and open it back up to the board. Are there any questions by the board?

MR. TORLEY: Just the observation that maybe we should go see the planning board and the engineer about the drainage.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: I move that we grant the requested variance.

MR. KANE: Second the motion.

ROLL CALL

MS. OWEN	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 98-21

DATE: 8 JULY '98

APPLICANT: HENRY VANLEEDUEN & JERALD FIE DELHOLTZ
% 270 QUASSACK AVE.
NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 19 JUNE 98

FOR (SUBDIVISION - ~~SECTION~~)

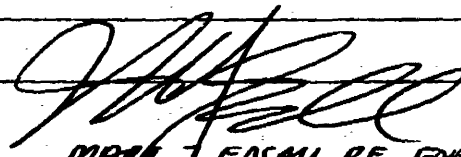
LOCATED AT NORTHWEST SIDE OF BEATTIE RD.

ZONE R-1

DESCRIPTION OF EXISTING SITE: SEC: 55 BLOCK: 1 LOT: 92.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

LOT WIDTH VARIANCE REQUIRED
FOR LOT 2


MARK J. EDSALL P.E. FOR
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-1</u>	USE _____	<u>LOT 1/LOT 2</u>	
MIN. LOT AREA	<u>43 560 SF</u>	<u>108395/110329</u>	<u>—</u>
MIN. LOT WIDTH	<u>125 FT</u>	<u>125/116</u>	<u>0/9 FT</u>
REQ'D FRONT YD	<u>45 FT</u>	<u>>45</u>	<u>—</u>
REQ'D SIDE YD.	<u>20 FT</u>	<u>>20</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>40 FT</u>	<u>>40</u>	<u>—</u>
REQ'D REAR YD.	<u>50 FT</u>	<u>750</u>	<u>—</u>
REQ'D FRONTAGE	<u>70 FT</u>	<u>128+/113+</u>	<u>—</u>
MAX. BLDG. HT.	<u>35 FT</u>	<u><35</u>	<u>—</u>
FLOOR AREA RATIO	<u>—</u>	<u>—</u>	<u>—</u>
MIN. LIVABLE AREA	<u>1200 SF</u>	<u>>1200</u>	<u>—</u>
DEV. COVERAGE	<u>10 %</u>	<u><10 %</u>	<u>— %</u>
O/S PARKING SPACES	<u>—</u>	<u>—</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

June 24, 1998

9

VAN LEEUWEN & FIEDELHOLTZ SUBDIVISION (98-21) BEATTIE ROAD.

Mr. Joseph Pfau appeared before the board for this proposal.

MR. PETRO: Proposes the subdivision of the existing four acre parcel into two single family residential lots.

MR. PFAU: The property is located on the west side of Beattie Road about a thousand feet southwest of Ann Elizabeth Drive on the opposite side of the road. We're proposing 2 lot subdivision, lot 2 is shown, is shy of the front yard width by approximately 9 feet. We show 116 feet just at the minimum front yard setback as the property goes back, we do meet the 125 foot lot width at about 170 feet back. So we're seeking, we'd like to be seeking a variance for that one particular lot, lot 2. It's my understanding that this property was purchased prior to the zoning change where the definition of lot width was either at the front yard setback or at the building placement and that's been since changed.

MR. PETRO: Mark, why don't you just take care of forwarding the plan to the Town of Hamptonburg and to the Department of Planning?

MR. EDSALL: Okay.

MR. PETRO: I'm sure they are not going to have any problem, just be local determination, but we'll do it as a courtesy is what you're saying.

MR. EDSALL: Yeah, I don't believe it's mandatory but given its position and easements, probably would be good idea.

MR. PETRO: You'll take care of that?

MR. EDSALL: Yes, I will.

MR. PETRO: And the applicant should doublecheck the provided values for lot width for lot 1 and 2, make

sure these numbers are accurate before the ZBA referral is prepared. In additional, bulk tables should include the minimum livable area requirement. Take a copy Mark's comments and work off that. Conceptually, does anyone have a problem with this subdivision? It's one lot going to be two.

MR. LANDER: No.

MR. PETRO: Looks like they have enough square footage. I'll take a motion for final approval.

MR. STENT: Motion we approve.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the VanLeeuwen and Fiedelholtz subdivision on Beattie Road. Is there any further discussion? If not, roll call.

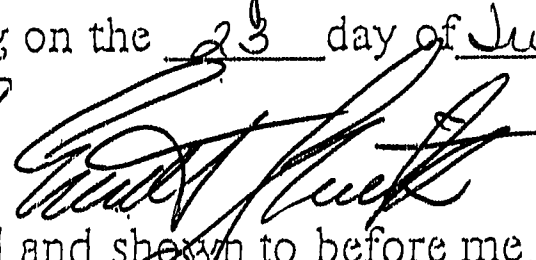
ROLL CALL

MR. LUCAS	NO
MR. LANDER	NO
MR. ARGENIO	NO
MR. STENT	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Once you have been successful in receiving those and want to reappear before this board, you'll do so. Thank you.

State of New York
County of Orange, ss:
Everett Smith, being duly sworn
disposes and says that he is
President of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is a

true copy was published Once
in said newspaper, commencing on
the 23 day of July A.D., 1998
and ending on the 23 day of July
A.D. 1998


Subscribed and shown to before me.
this 3 day of Aug, 1998.

Mary E. Fordenbacher
Notary Public of the State of New York
County of Orange.

My commission expires 2.28.99

MARY E. FORDENBACHER
Notary Public, State of NY
Residing in Orange County
No. 4718013

**PUBLIC NOTICE OF
HEARING
ZONING BOARD OF
APPEALS
TOWN OF NEW
WINDSOR**

PLEASE TAKE NOTICE that
the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York, will hold a Public Hearing pur-
suant to Section 48-34A of the Zon-
ing Local Law on the following
Proposition:

Appeal No. 29

Request of HENRY P. VAN
LEEUVEN AND JERALD
FIEDELHOLTZ for a VARIANCE of
the Zoning Local Law to Permit:
CREATION OF TWO, SINGLE-
FAMILY RESIDENTIAL LOTS,
ONE LOT HAVING INSUFFI-
CIENT LOT WIDTH, being a VARI-
ANCE of Section 48-12-Table of
Use/Bulk Regs. Col. D for property
situated as follows: West side of
Beattie Road, approximately 1,000
feet southwest of Ann Elizabeth
Drive, known and designated as tax
map Section 55, Blk. 1, Lot 92.2.

SAID HEARING will take place
on the 10th day of August, 1998 at
the New Windsor Town Hall, 555
Union Avenue, New Windsor, New
York beginning at 7:30 o'clock P.M.

JAMES NUGENT

Chairman

By: Patricia A. Barnhart, Secy.

8/10/98 Public Hearing: [REDACTED] VanLewwen/Fidelholtz #98-29

Name:

Address:

MARILYN A. HERMANN

33 LINCOLNDALE ACRES

Drainage problem

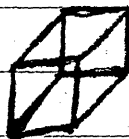
DEBORAH AND MICHAEL SCHIRALDI 275 BEATTIE RD. - Drainage Q

RICHARD DiPAOLA 295 BEATTIE RD - setting precedent?

BILL ACKER 261 BEATTIE Q. Herdship

CHRIS BOYLAN 10 MARTHA'S WAY

MIKE WHITE 7 Martha's Way



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Vanbeuren / Fiedelholz
Applicant

98-29.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 7/22/98, I compared the 18 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
22 day of July, 19 98

Mary Ann Hotelling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01H05062877
Qualified in Orange County
Commission Expires July 8, 2000

APPLICATION FOR VARIANCE

Date: 07/21/98

(a) 270 Quassaick Avenue, New Windsor, N.Y. 12553 x
(Name, address and phone of Applicant) (Owner)

(c) _____
(Name, address and phone of attorney)

() Interpretation

(a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____,
to allow:
(Describe proposal)

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs. ~~Regs.~~, Col. D.

<u>Requirements</u>	<u>Lot #1</u>	<u>Proposed or Available Lot #2</u>	<u>Variance Request</u>
Min. Lot Area <u>43,560 s.f.</u>	<u>108,395/110329</u>		<u>-</u>
Min. Lot Width <u>125 ft.</u>	<u>125/116</u>		<u>0/9</u>
Reqd. Front Yd. <u>45 ft.</u>	<u>45</u>		<u>-</u>
Reqd. Side Yd. <u>20 ft.</u>	<u>20</u>		<u>-</u>
Total Side Yd. <u>40 ft.</u>	<u>40</u>		<u>-</u>
Reqd. Rear Yd. <u>50 ft.</u>	<u>50</u>		<u>-</u>
Reqd. Street Frontage* <u>70 ft.</u>	<u>128+/113+</u>		<u>-</u>
Max. Bldg. Hgt. <u>35 ft.</u>	<u>35</u>		<u>-</u>
Min. Floor Area* <u>1,200 s.f.</u>	<u>1,200 s.f.</u>		<u>-</u>
Dev. Coverage* <u>10</u> %	<u>10</u> %		<u>-</u> %
Floor Area Ratio** <u>-</u>	<u>-</u>		<u>-</u>
Parking Area <u>-</u>	<u>-</u>		<u>-</u>

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

(See attached)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. n/a

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
(See attached site plan)

IX. Attachments required:


- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ n/a Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300., each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: July 21, 1998

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

21st day of July, 1998.

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999.

On June 24, 1998, the Applicants appeared before the Planning Board for proposed subdivision of the existing four acre parcel into two, single-family residential lots located on the west side of Beattie Road approximately 1,000 ft. southwest of Ann Elizabeth Drive in an R-1 zone. The Planning Board referred the application to the Zoning Board of Appeals for a 9 ft. lot width variance for Lot #2. There are no additional area variances required for this subdivision.

Applicants feel very strongly that the granting of the requested variance will not be detrimental to the health, safety or welfare of the neighborhood or community since the property is located in a residential neighborhood, having an R-1 zoning designation.

The only feasible method which Applicants can pursue is the variance process in view of the fact that the parcel is zoned residential, after subdivision of four lots, will be short of lot width by 9 ft.

Applicants feel that this request is not substantial when considering that the size of the parcel is 110,329 square feet.

Since this parcel can only be developed for residential purposes, Applicants feel that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

The difficulties stated above are self-created. However, Applicants are seeking the necessary approval in order to conform to the bulk regulations in the R-1 zone.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

7/27/88

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.
188 N. Drury Lane
Newburgh, N. Y. 12550

DATE		CLAIMED	ALLOWED
7/13/18	Zoning Board Mtg	75.00	
	Misc - 1		
	Dominguez - 5		
	Van Loon - 3 13.50		
	Bila - 22		
	Franklin - 6		
	Alunzo - 9	307.00	
	46	282.00	

VAN LEEUWEN/FIEDELHOLTZ

Ms. Barbara Berger appeared before the board for this proposal.

MR. NUGENT: Request for set back variance on parcel located on Beattie Road, Rock Tavern in an R-1 zone. You're on.

MS. BERGER: My name is Barbara Berger and I'm represent the firm of Pietrzak & Pfau. I'm not an engineer. The engineer had a scheduling conflict. In fact, he didn't know until quite late this afternoon that the ZBA was going to hear this matter. What we're asking for is a lot width variance for lot number two only, which doesn't meet the requirement by all of nine feet.

MR. REIS: Mr. Chairman, may I make a comment, please?

MR. NUGENT: Sure.

MR. REIS: I'm involved in the potential sale of these properties. With the board's permission, I feel I can objectively voice an opinion with your permission.

MR. NUGENT: Anybody have any objection?

MR. TORLEY: No.

MR. NUGENT: So be it.

MR. REIS: Thank you.

MR. NUGENT: Okay, go ahead. I'm sorry to interrupt you.

MS. BERGER: This project has already gone to the planning board and was referred here. At the time Mr. Van Leeuwen purchased the property, the zoning regulations differed than what exists on the books now and as a result of that, he's not meeting the requirement that we have on here. And that's because you're making reference to the front yard as opposed to --

MR. VAN LEEUWEN: It's got to be 45 foot set back.

MS. BERGER: -- the building lot set back.

MR. BABCOCK: Jim, I might be able to clarify a little bit. The old zoning used to be the lot width was determined at the building line, so if you moved your house back farther and farther and farther until you got the 125 foot, you had no problem. Today, the code says it's at the set back line. So he needs 125 foot at 45 feet from the road. And as you can see, the lot gets wider and wider as it goes out.

MS. BERGER: There's also a 30 foot easement if you look to the right and that goes right around the property to property that's located in Hamptonburgh.

MR. KRIEGER: So, Mike, if it were under the old law, he would qualify, is that correct?

MR. BABCOCK: That's correct.

MR. VAN LEEUWEN: Right.

MS. BERGER: In fact I have a copy of the zoning book that was in effect at that time.

MR. NUGENT: Okay, are there any questions by the board?

MR. TORLEY: Yeah. I'm confused, at 45 feet from the road how wide are the lots? Or is it lot?

MR. KRIEGER: Lot, only one qualifies.

MR. BABCOCK: It's 116 feet.

MR. VAN LEEUWEN: We need a total of nine feet.

MS. BERGER: Nine feet.

MR. TORLEY: Our notes don't show the --

MS. BERGER: If you look at the top where it says bulk requirements, there's a little asterisk next to lot width minimum required 125 lot number one meets that requirement, lot number two is 116. Do you see it?

MR. TORLEY: Yeah.

MR. VAN LEEUWEN: Do you see it all right?

MR. TORLEY: Yeah.

MR. NUGENT: Any other questions? I'll accept a motion.

MR. TORLEY: Mr. Chairman, I move we set up the Van Leeuwen/Fiedelholz request for set back variance for a public hearing on this matter.

MS. OWEN: I'll second.

MR. NUGENT: I don't think that's really a set back.

MR. BABCOCK: No, it's a lot width variance.

MR. TORLEY: Lot width variance.

MR. BABCOCK: It's stated wrong on the --

MS. BARNHART: It's stated wrong because I didn't get the paperwork until today.

MR. TORLEY: Amend the motion.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: Do you want to pick these up and bring them back at the public hearing, that way you'll have them.

MR. KRIEGER: These are the criteria on which the state has determined the zoning board of appeals must decide. So if you would address yourself to those, it would be helpful.

MS. BERGER: Okay.



1763

TOWN OF NEW WINDSOR
ASSESSOR'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553-6196
Telephone: (914) 563-4633
Fax: (914) 563-4693

July 1, 1998

Hank Vanleeuwen
70 Windsor Highway
New Windsor, NY 12575

Re: 55-1-92.2

Dear Mr. Vanleeuwen:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00.

Please remit the balance of \$35.00 to the Town Clerk's office.

Sincerely,

L. Cook / EAV

Leslie Cook
Sole Assessor

/eav
Attachments

~~CONFIDENTIAL~~

**** There are additional properties located in the Town of Hamptonburgh.**

Bernadette Fumarola
P.O. Box 10
Washingtonville, NY 10992

Henry & Beth Jezik
306 Beattie Rd.
Washingtonville, NY 10992

Barbara Harris, June Martin, &
Madeline Corcoran
Box 94
Campbell Hall, NY 10916

Robert Jezik
P.O. Box 32
Rock Tavern, NY 12575

Marilyn Hermann
33 Lincolndale Acres
Washingtonville, NY 10992

Louis Jezik
282 Beattie Rd.
Washingtonville, NY 10992

Stanley & Valerie Wojnicki
30 Lincolndale Acres
Washingtonville, NY 10992

Michael & Robin White
7 Martha's Way
Washingtonville, NY 10992

William & Dolores Acker
261 Beattie Rd.
Washingtonville, NY 10992

Christopher & Kimberly Boylan
10 Martha's Way
Washingtonville, NY 10992

Joseph & Barbara Limberg
245 Beattie Rd.
Washingtonville, NY 10992

Edward & Joan Polkowski
14 Feitsma Lane
Rock Tavern, NY 12575

John & Lynne Gates
239 Beattie Rd.
Washingtonville, NY 10992

Tod Orison & Dorothy-Lee Ganzer
256 Beattie Rd.
Washingtonville, NY 10992

Michael Jr. & Deborah Schiraldi
275 Beattie Rd.
Washingtonville, NY 10992

Richard & Mirella DiPaola
295 Beattie Rd.
Washingtonville, NY 10992

Eugene & Janis Cash
285 Beattie Rd.
Washingtonville, NY 10992

- additional property located in the Town of Hamptonburgh

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 29

Request of HENRY P. VAN LEEUWEN and JERALD FIEDELHOLTZ

for a VARIANCE of the Zoning Local Law to Permit:

CREATION OF TWO, SINGLE-FAMILY RESIDENTIAL LOTS, ONE LOT HAVING

INSUFFICIENT LOT WIDTH;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs., Col. D

for property situated as follows:

West side of Beattie Road, approximately 1,000 feet southwest of,
Ann Elizabeth Drive,
known and designated as tax map Section 55, Blk. 1, Lot 92.2.

SAID HEARING will take place on the 10th day of August, 19 98 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

JAMES NUGENT
Chairman

PROPERTY DESCRIPTION

SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT					ASSESSED VALUE			S.T.C.
				SCHOOL	FIRE	LIGHT	WATER	OTHER	LAND	IMPROV.	TOTAL	
55	1	92	2	TOWN OF NEW WINDSOR	3	4						
OWNER NO.	LOCATION								DIMENSIONS		ACRES	
	7 AND PT LT 5 LT 6 RED MAPLES MAP 5888										51 5.0	

OWNER
ADDRESS ↓

OWNERSHIP RECORD

DEED RECORDED

DATE BOOK PAGE

BUHL TED	3	11	82	2217	1089
ONE CORNWALL AVENUE, CORNWALL ON HUDSON, NY					
Sarvis Walter E & Paula	12	17	82	2240	645
PO Box 4019 New Windsor NY 12553					
BOX 149 ALPINE DRIVE, HOPEWELL JUNCTION, NY 12533 (Per memo from Mrs. Sarvis 11/30/87)					
VAN LEEUWEN HANRY & JERALD FIEDELHOLTZ	01	26	88	2877	345
268 Beattie Rd., Rock Tavern, NY 12575 (Lot Line Change)	10	26	90	3366	1
PARKVIEW HOLDING CORP.	10	26	90	3366	7
218 Route 59, Monsey, NY 10952 (Lot Line Change)	10	26	90	3366	4
Box 398, Tallman, New York, 10982					
FIEDELHOLTZ JERALD & VANLEEUEWEN HENRY (Foreclosure)	3	26	96	4359	347
270 Quassaick Ave., New Windsor, NY 12553					

ORANGE COUNTY PROPERTY MAP and RECORDS SYSTEM

295/83

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT RECEIVED



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

MARTIN B. SCHAFER, REFEREE

TO

JERALD FIEDELHOLTZ and HENRY
VAN LEEUWEN

MAY - 1 1996

SECTION 55 BLOCK 1 LOTs 91, 92

RECORD AND RETURN TO:
(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

JERALD FIEDELHOLTZ, P.C.
270 QUASSAICK AVENUE, POB 4088
NEW WINDSOR, NY 12553

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

___ 2089 BLOOMING GROVE (TN)
___ 2001 WASHINGTONVILLE (VLG)
___ 2289 CHESTER (TN)
___ 2201 CHESTER (VLG)
___ 2489 CORNWALL (TN)
___ 2401 CORNWALL (VLG)
___ 2600 CRAWFORD (TN)
___ 2800 DEERPARK (TN)
___ 3089 GOSHEN (TN)
___ 3001 GOSHEN (VLG)
___ 3003 FLORIDA (VLG)
___ 3005 CHESTER (VLG)
___ 3200 GREENVILLE (TN)
___ 3489 HAMPTONBURGH (TN)
___ 3401 MAYBROOK (VLG)
___ 3689 HIGHLANDS (TN)
___ 3601 HIGHLAND FALLS (VLG)
___ 3889 MINISINK (TN)
___ 3801 UNIONVILLE (VLG)
___ 4089 MONROE (TN)
___ 4001 MONROE (VLG)
___ 4003 HARRIMAN (VLG)
___ 4005 KIRYAS JOEL (VLG)

___ 4289 MONTGOMERY (TN)
___ 4201 MAYBROOK (VLG)
___ 4203 MONTGOMERY (VLG)
___ 4205 WALDEN (VLG)
___ 4489 MOUNT HOPE (TN)
___ 4401 OTISVILLE (VLG)
___ 4600 NEWBURGH (TN)
☒ 4800 NEW WINDSOR (TN)
___ 5089 TUXEDO (TN)
___ 5001 TUXEDO PARK (VLG)
___ 5200 WALLKILL (TN)
___ 5489 WARWICK (TN)
___ 5401 FLORIDA (VLG)
___ 5403 GREENWOOD LAKE (VLG)
___ 5405 WARWICK (VLG)
___ 5600 WAWAYANDA (TN)
___ 5889 WOODBURY (TN)
___ 5801 HARRIMAN (VLG)

CITIES

___ 0900 MIDDLETOWN
___ 1100 NEWBURGH
___ 1300 PORT JERVIS

NO. PAGES 3 CROSS REF _____
CERT. COPY _____ AFFT. FILED _____
PAYMENT TYPE: CHECK ☒
CASH _____
CHARGE ☒
NO FEE _____

CONSIDERATION \$ 147,613.04
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:

___ (A) COMMERCIAL
___ OR 2 FAMILY
___ (C) UNDER \$10,000.
___ (E) EXEMPT
___ (F) 3 TO 6 UNITS
___ (I) NAT.PERSON/CR.UNION
___ (J) NAT.PER-CR.UNI OR 2
___ (K) CONDO

Joan A Macchi

JOAN A. MACCHI
Orange County Clerk

___ 9999 HOLD

RECEIVED FROM:

J. Fiedelholz

LIBER 4359 PAGE 347

ORANGE COUNTY CLERKS OFFICE 13979 MRL
RECORDED/FILED 03/26/96 01:28:13 PM

FEES 44.00 EDUCATION FUND 5.00

SERIAL NUMBER: 005802

DEED CNTL NO 52764 RE TAX 592.00

This deed is made on March 21, 1996 between MARTIN B. SCHAFER/the
225 Dolson Avenue, Middletown, N.Y. 10940
referee duly appointed in the action, acting as the grantor and JERALD

FIEDELHOLTZ and HENRY VAN LEEUWEN/the grantees;

c/o 270 Quassaick Avenue, New Windsor, N.Y. 12553

WITNESSETH, that the grantor is the referee appointed in an action between
Jerald Fiedelholz and Henry Van Leeuwen, plaintiffs, and Parkview Holding Corp.,
defendant, to foreclose a mortgage recorded on October 17, 1990 in the office of
the court clerk in the county of Orange, in Liber 3858 at Page 234, pursuant to a
judgment entered at a Special Term on June 20, 1995. In consideration of the sum of
\$1,000.00 paid by the grantees, being the highest sum bid at the sale under the

judgment, the grantor does hereby grant and convey unto the grantee

ALL that certain plot, piece or parcel of land, with the buildings and
improvements located thereon, erected, lying and being in the Town
of New Windsor, County of Orange and State of New York, and
designated as Lot No. 6 on a subdivision plan entitled "Red Maples",
which was filed in the Orange County Clerk's office on April 19,
1982 as Map No. 5888. Said map being dated January 27, 1982.

BEING and intended to be a portion of the premises conveyed by
deed dated March 5, 1982 from the County of Orange to Ted Buhl,
which was recorded in the Orange County Clerk's Office on
March 11, 1982 in Liber 2217 at Page 1089.

SUBJECT to a right of way for purposes of ingress and egress and
installation and maintenance of utilities through the instant Lot No. 6
in favor of the premises described in a deed from the County of
Orange to Ted Buhl recorded in the Orange County Clerk's Office
on September 20, 1982 in Liber 2232, the said right of way being
more particularly described as follows:

BEGINNING at a point in the northwesterly line of Beattie Road, said
point being in the southeasterly corner of said Lot No. 6 and running
thence through Lot No. 6, the following four (4) courses: 1) North 51
degrees 36' 20" West, 768.24 feet to a point of curvature; 2) On a
curve to the left having a radius of 35' and an arch of 54.56' to a
point of tangency; 3) South 39 degrees 05' 10" West, 133.30 feet
to a point; 4) South 35 degrees 12' 00" West 77.43 feet to a point, said
point being in the division line between Lots 5 and 6 as shown on
the above referenced subdivision map; thence along said division

Sec. 55
Bl. 1
Lots 91
92

line, North 54 degrees 20' 26" West, 7.25 feet to a point in the division line between the Town of New Windsor and the Town of Hamptonburgh; thence along said Town Division line, North 7 degrees 45' 58" West, 33.39 feet to a point, said point being the northwestern most corner of Lot 6; thence along the division line between Lot 6 and lands now or formerly of Otterkill Estates, Inc., North 35 degrees 12' 00" East, 54.00 feet to a point; thence still along said division line, North 39 degrees 05' 10" East, 198.50 feet to a point, said point being the northwestern most corner of Lot No. 7 as shown on the above referenced subdivision map; thence along the division line between Lots 6 and 7, South 51 degrees 36' 20" East, 837.78 feet to the point or place of BEGINNING.

ALSO, all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, State of New York, being part of Lot No. 5 as shown on a map entitled "Red Maples", said map having been filed in the Orange County Clerk's Office as Map No. 5888, on April 19, 1982, being more particularly bounded and described as follows:

BEGINNING at a point in the division line between Lot No. 5 and Lot No. 6, as shown on the above referenced map, said point being North 54 degrees 20' 26" West, 801.48 feet as measured along said division line from its intersection with the westerly line of Beattie Road, running thence the following courses: 1) Through lands of the Grantor, South 19 degrees 43' 04" West, 94.44 feet to a point; 2) Along the division line between lands now or formerly of Curanovic and lands of the Grantor, North 07 degrees 45' 58" West, 125.06 feet to a point; 3) Running along the division line between Lot No. 5 and Lot No. 6, aforementioned, South 54 degrees 20' 26" East, 60.01 feet to the point or place of BEGINNING.

To have and to hold the premises herein granted unto the grantees, Jerald Fiedelholz and Henry Van Leeuwen. and assigns forever.

In witness whereof, the grantor has hereunto set the grantor's hand and seal.


MARTIN B. SCHAFER, REFEREE

STATE OF NEW YORK)
COUNTY OF ORANGE) ss.:

On March 21, 1996, before me came Martin B. Schaffer, known to me to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.


Notary Public

Joseph Brown
Notary Public Orange County
Expires June 30, 1997

CAD\SDS12

NOTES:

1. PERCOLATION TESTS COMPLETED ON 6-16-97 BY PIETRZAK & PFAU, PLLC.
2. DEEP TEST PITS COMPLETED ON 7-23-97 BY PIETRZAK & PFAU, PLLC.

1. SEPTIC SYSTEMS TO CONFORM TO THE MINIMUM REQUIREMENTS OF THE N.Y. HEALTH DEPARTMENT STANDARDS/CODES FOR INDIVIDUAL DISPOSAL SYSTEMS APPENDIX 75-A, AND THE AUTHORITY HAVING JURISDICTION.

1. SEPTIC SYSTEMS TO CONFORM TO THE MINIMUM REQUIREMENTS OF THE N.Y. HEALTH DEPARTMENT STANDARDS/CODES FOR INDIVIDUAL DISPOSAL SYSTEMS AND THE SEPTIC SYSTEMS ACT AND THE REGULATIONS THEREUNDER.
2. THE SANITARY FACILITIES ON THESE PLANS SHALL BE INSPECTED FOR COMPLIANCE WITH THE APPROVED PLANS, AT THE TIME OF CONSTRUCTION, BY A PROFESSIONAL ENGINEER OR ARCHITECT. THE RESULTS OF THIS EFFECT SHALL BE SUBMITTED TO THE COUNTY HEALTH DEPARTMENT AND THE COUNTY ENGINEER. GOOD RECORDS SHALL BE KEPT FOR ACCURACY, AND THIS SHALL INDICATE THAT JOINTS HAVE BEEN SEALED AND TESTED FOR LEAKAGE. THE SEPTIC SYSTEM SHALL BE IN ACCORDANCE WITH SECTION 75-A AND THE MANUFACTURERS INSTRUCTIONS.
3. SEPTIC FEEDS AND WELLS SHALL NOT BE RELOCATED.
4. ALL PERCOLATION TESTS TAKEN AT 24" - 30" UNLESS OTHERWISE NOTED.
5. SEPTIC SYSTEM DESIGNS ARE BASED ON THE SLOWEST PERCOLATION RATE FOUND WITHIN THE AREA OF THE SYSTEM.
6. LAUNDRY WASTE IS TO BE DISCHARGED INTO THE SEPTIC SYSTEM.
7. HOUSE SEWER AND SEWER RUNS SHALL NOT EXCEED 7' BETWEEN POINTS OF CLEAN OUTS. CLEAN OUTS SHALL BE 100 FEET APART. BACKSOWS ARE TO BE AVOIDED BUT WHERE REQUIRED AN ADDITIONAL CLEAN-OUT SHALL BE INSTALLED.
8. THE MAXIMUM LENGTH OF ABSORPTION LINES USED IN CONJUNCTION WITH GRAVEL DISTRIBUTION SHALL BE 60 FEET.
9. THE MAXIMUM LENGTH OF ABSORPTION LINES USED IN CONJUNCTION WITH PRESSURE DISTRIBUTION SHALL BE 100 FEET.
10. FOOTING DRAINS ARE NOT TO DISCHARGE INTO THE SEPTIC SYSTEM. FOOTING DRAINS ARE TO RUN TO DAYLIGHT WITH ROCKET SCREEN.
11. UNLESS OTHERWISE INDICATED ON THESE PLANS, INDIVIDUAL SEPTIC TANKS ARE NOT DESIGNED TO ACCOMMODATE GARAGE GRINDERS.
12. TRENCHES SHALL NOT BE CONSTRUCTED IN WET SOILS.
13. SIDES AND BOTTOM OF TRENCHES SHALL BE RAKED IMMEDIATELY PRIOR TO PLACING GRAVEL.
14. THE END OF ALL DISTRIBUTOR PIPES SHALL BE PLUGGED.
15. HEAVY EQUIPMENT SHALL BE KEPT OFF OF THE AREA OF THE TILE FIELD DURING FOR THE ACTUAL CONSTRUCTION OF THE FIELD. THERE SHALL BE NO EXCESSIVE MOVEMENT OF CONSTRUCTION EQUIPMENT OVER THE AREA OF THE PROPOSED FIELD BEFORE AND AFTER CONSTRUCTION.
16. THERE IS NO REGRADING ALLOWED IN THE AREA OF THE ABSORPTION FIELD.
17. NO SHIMMING PLOYS, DOWNSHIMS, OR STRUCTURES WHICH MAY COMPACT THE SOIL SHALL BE LOCATED OVER ANY PORTION OF THEIR ABSORPTION FIELD.
18. THIS SYSTEM WAS NOT DESIGNED TO ACCOMMODATE GARAGE GRINDERS, OR "JACKED" UP SYSTEMS AS SUCH. THEREFORE, ITEMS SHALL NOT BE INSTALLED. IF SUCH ITEMS ARE REQUIRED, THE OWNER SHALL BE RESPONSIBLE.

- PROPOSED DWELLING
- PROPOSED SEPTIC TANK
- PROPOSED WELL
- PROPOSED CLEANTOUT
- PROPOSED SDS
(INCLUDING 50% E.P.)
- DEEP TEST PIT LOCATION
- PERCOLATION TEST LOCATION
- PROPOSED FOUNDATION DRAIN
- EXISTING CONTOUR LINE
- ACOE WETLAND LIMITS
- FILED MAP PROPERTY LINE
- EXISTING UTILITY POLE

- 2 BOTH LOTS TO BE SERVED BY INDIVIDUAL WELL AND SEPTIC
- 3 TOTAL AREA OF PARCEL: 4.0± ACRES
- 4 TOTAL NUMBER OF PROPOSED LOTS: 2
- 5 TAX MAP DESIGNATION: SECTION 5S BLOCK 1 LOT 92.2
- 6 TOPOGRAPHIC SURVEY PREPARED BY PIETRZAK & PFAU, PLLC ON
- 7 THERE SHALL BE NO FURTHER SUBDIVISION OF THESE LOTS
- 8 WITHOUT PLANNING BOARD APPROVAL.
- 9 PARCEL IS IN THE WASHINGTONVILLE SCHOOL DISTRICT.
- 10 ENTIRE PARCEL LIES WITHIN THE R-1 ZONING DISTRICT.
- 11 MAP REFERENCE: MAP 100-100-100-100 LIE IN THE
- 12 ORANGE COUNTY CLERK'S OFFICE ON 9-28-90.

THE PROPOSED SEWAGE DISPOSAL SYSTEM(S) AND WATER SUPPLY SYSTEM(S) SHOWN ARE DESIGNED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS ESTABLISHED BY THE NEW YORK STATE DEPARTMENT OF HEALTH AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR RESIDENTIAL LOTS. THE DESIGN(S) ARE BASED UPON ACTUAL SOIL AND SITE CONDITIONS FOUND UPON THE LOT(S) AT THE DESIGN LOCATION AT THE TIME OF DESIGN.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7206, SUB-DIVISION OF ARTICLE 17, EDUCATION, OF THE NEW YORK STATE CONSTITUTION.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMPLOYED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE BESTING CODE OF PRACTICE FOR LAND SURVEYING EQUIPPED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, SAID ASSOCIATION BEING A NON-PROFIT ORGANIZATION, INCORPORATED IN THE STATE OF NEW YORK, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL, EDUCATIONAL, AND LITIGANT INSTITUTIONS OR INDIVIDUALS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNER.

UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON.

MINIMUM REQUIRED	PROVIDED
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	<u>LOT 1</u>	<u>LOT 2</u>
LOT AREA (SQ.FT)	108,395	110,321
LOT WIDTH (FT.)	125	116+
FRONT YARD (FT.)	>45	>274'
REAR YARD (FT.)	>50	>50
ONE SIDE YARD (FT.)	>20	>20
BOTH SIDE YARDS (FT.)	>40	>40
STREET FRONTAGE (FT.)	128+	113+
<u>MAXIMUM ALLOWED</u>	<u>PROVIDED</u>	
BUILDING HEIGHT (FT.)	35	-
DEV. COVERAGE (%)	10	<10

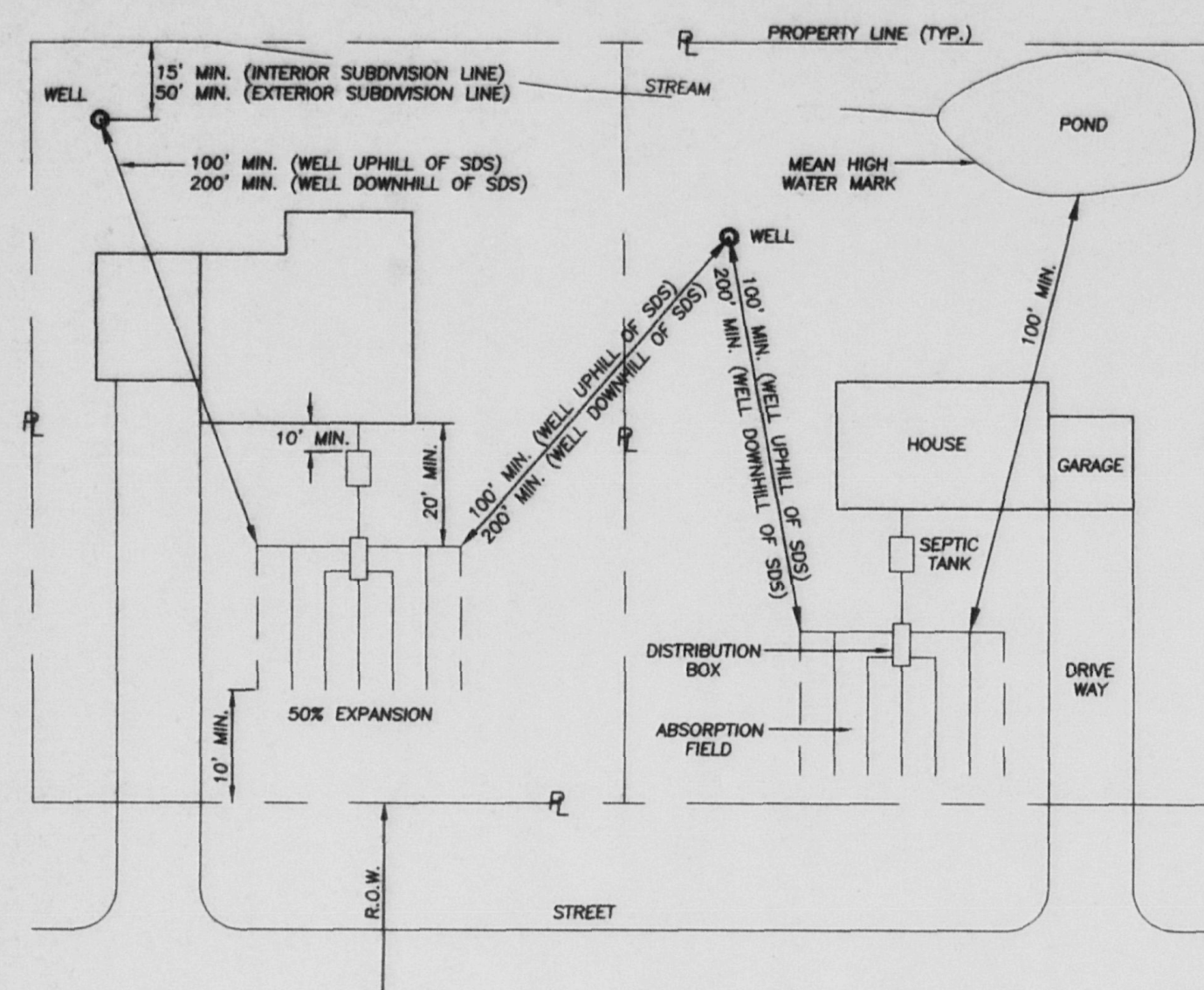
* A MINIMUM LOT WIDTH VARIANCE IS REQUIRED FOR LOT 2 AS THIS LOT DOES NOT MEET THE 125' REQUIREMENT AT THE MINIMUM FRONT YARD SETBACK

RECORD OWNER/APPLICANT

HENRY VANLEEUVEN
BEATTIE ROAD
ROCK TAVERN, NEW YORK 12577

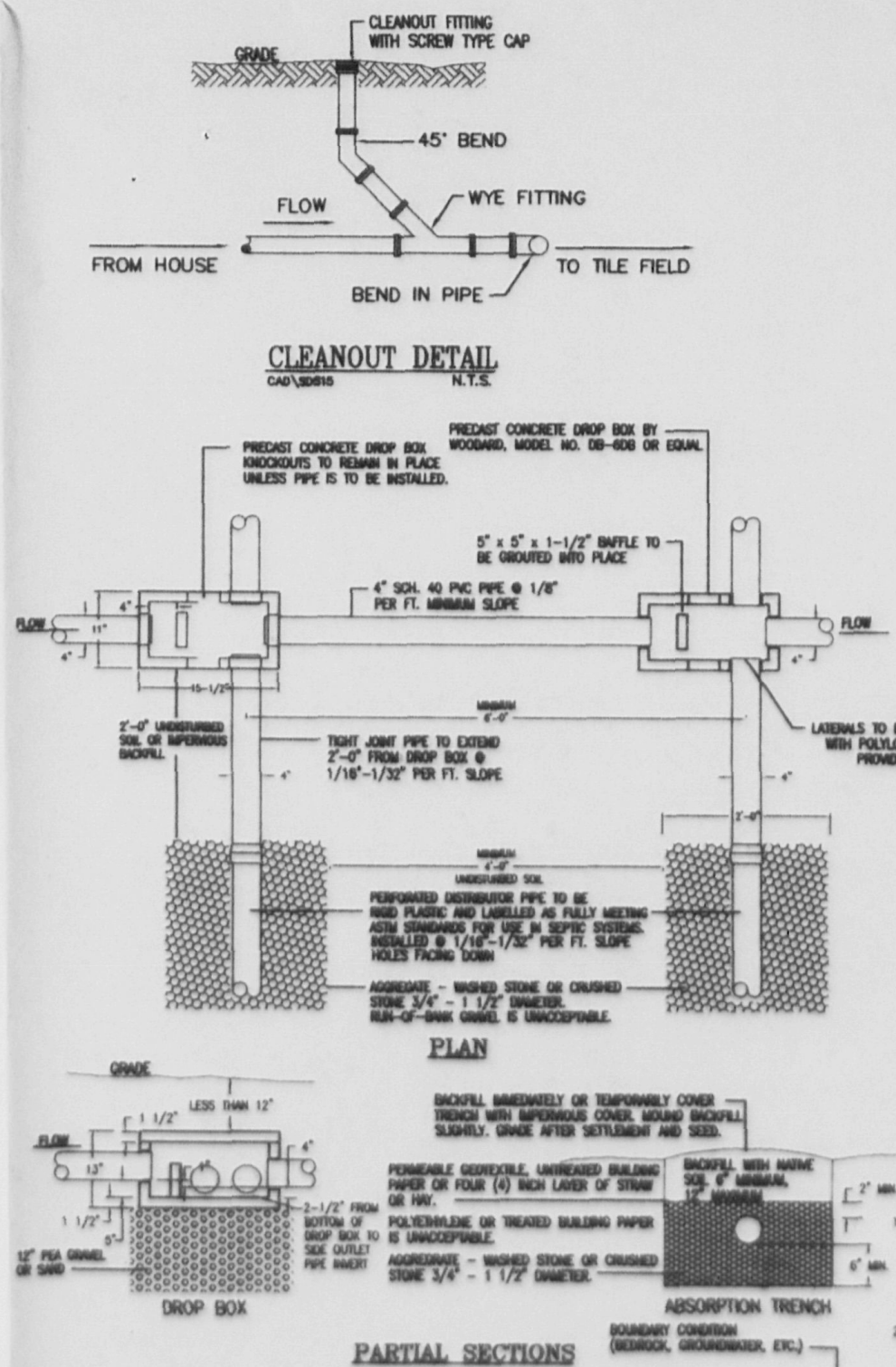
JERALD FIEDELHOLTZ
270 QUASCK AVENUE
NEW WINDSOR, NEW YORK 12553

N.T.S. CAD\SDS39



- NOTES:
1. SEE SEWAGE DISPOSAL SYSTEM SCHEDULE OF INSTALLATION VALUES FOR ACTUAL TANK SIZE REQUIRED AT EACH LOCATION.
 2. SEPTIC TANK TO BE INSTALLED A MINIMUM OF TEN (10) FEET FROM BUILDING FOUNDATION.
 3. LOCATION STAKE TO BE SET IN GROUND DIRECTLY ABOVE THE INLET END COVER.
 4. SEPTIC TANK TO BE COVERED WITH EARTH TO A MINIMUM OF FIVE (5) FEET AND A MAXIMUM DEPTH OF 12".
 5. PRECAST CONCRETE TO REACH 4000 PSI STRENGTH @ 28 DAYS.
 6. TANK CONSTRUCTION JOINTS TO BE SEALED WITH PUTTY, RUBBER BASE CEMENT.
 7. INLET INVERT TO BE 3" HIGHER THAN OUTLET.
 8. INLET AND OUTLET JOINTS TO BE SEALED WITH PORTLAND CEMENT GROUT.
 9. PRECAST CONCRETE SEPTIC TANK TO BE AS MANUFACTURED BY WOODWARD'S CONCRETE PRODUCTS, INC. MODEL ST1250, ST1500 OR ST2000.
 10. THERE MUST BE AN INTERRUPTED PIPING SLOPE FROM THE SEPTIC TANK TO THE HOUSE ALLOWING SEPTIC GAS TO ESCAPE WITHOUT DISTURBED BY WOODWARD'S CONCRETE

NTS. CAD\SDS1A



ADDITIONAL FIELD SHALL NOT BE BUILT UNDER DRAINAGE PITS OR BALDING OR OTHER AREA-GROUND POOLS OR OTHER AREAS SUBJECT TO HEAVY LOADING.

2. THE AGGREGATE SHALL BE OBTAINED WITH A PERMISSIBLE GRADEABLE, UNBLENDED BALDING PAPER OR A FOUR OR FIVE LAYER OF HOT OR STRAIN PAPER TO INSULATING.

3. TRENCHES SHALL NOT BE CONSTRUCTED IN THE FIELD.

4. THE DISTANCE BETWEEN TRENCHES SHALL BE MAINTAINED MINIMUM 1' PRIOR TO PLACING GRADE.

5. THE END OF ALL DISTRIBUTION PITS SHALL BE PLUGGED.

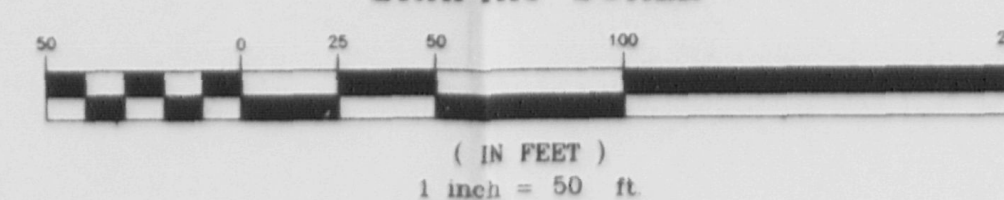
6. YOUR CONTRACTOR HAS TO SET OFF THE AREA OF THE FIELD BEFORE ANY ACTUAL CONSTRUCTION OF THE FIELD. THERE SHALL BE NO UNDESIRABLE MOVEMENT OF THE FIELD.

7. DISTRIBUTION LATERALS SHALL BE SLOPED AT 1/8" - 1/32" PER FOOT.

8. AGGREGATE TRENCH LATERALS ARE TO BE SET LEVEL.

9. DISTRIBUTION LATERALS ARE TO BE SET WITH PERFORMANCES FACING DOWN.

GRAPHIC SCALE



I HEREBY CERTIFY TO THE PARTIES
OF INTEREST LISTED BELOW THAT THIS
MAP HAS BEEN PREPARED FROM AN ACTUAL
FIELD SURVEY COMPLETED ON

HENRY VANLEEUEWEN
JERALD FIEDELHOLTZ
TOWN OF NEW WINDSOR

